



Image

RCE/648

PTO/SB/30 (09-03)

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**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Application Number	09/995,475
Filing Date	November 28, 2001
First Named Inventor	Lewis B. Schwartz
Art Unit	1648
Examiner Name	Ali Reza Salimi
Attorney Docket No.	27373/37922

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-2855
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas J. Wrona	Registration No. (Attorney/Agent)	44,410
Signature		Date	April 15, 2004

04/20/2004 JIALINAN 00000116 132855 09995475

01 FC:2001 385.00 DA



Atty Docket No. 27373/37922

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schwartz *et al.*

Serial No. 09/995,475

Filed: November 28, 2001

Title: Genetically Engineered Herpes
Virus For The Treatment of
Cardiovascular Disease

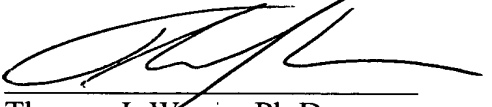
Group Art Unit: 1648

Examiner: Ali Reza Salimi

Certificate of First Class Mailing

I hereby certify that this paper is
being filed by First Class Mail in an
envelope, postage prepaid, addressed
to the Commissioner for Patents,
P.O. Box 1450, Alexandria, VA
22313-1450.

April 15, 2004


Thomas J. Wrona, Ph.D.

RESPONSE TO THE OFFICIAL ACTION MAILED JULY 15, 2003

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the final official action dated July 15, 2003. Filed herewith is a Request for Continued Examination under 37 C.F.R. § 1.114. Applicant filed a Notice of Appeal on December 15, 2004. This amendment is timely filed in view of the petition for a two-month extension of time and the requisite fee filed herewith.

The undersigned and William K. Merkel (Reg. No. 40,725) thank the Examiner for granting an interview in this case on April 15, 2004. The substance of the interview is included within this Amendment.